

Central Aberdeenshire Divisional Licensing Board

Guide to Information Available through the Model Publication Scheme 2016

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Contact: Depute Clerk
Gordon House,
Blackhall Road,
Inverurie, AB51 3WA;
Tel 01467 628208
Fax 01467 628500
E-mail: licensing@aberdeenshire.gov.uk (please include Freedom of Information:
"Publication Scheme" in the subject line)

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Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right and information can only be withheld where FOISA expressly permits it.

FOISA requires Scottish Public Authorities to produce and maintain a Publication Scheme. By adopting a Publication Scheme, authorities commit to:-

- Publishing the classes of information that they make routinely available
- Telling the public how to access the information and what it might cost

The Central Aberdeenshire Divisional Licensing Board ("The Board") adopted a Publication Scheme based on the Model Publication Scheme 2013 produced by the Scottish Information Commissioner. This Scheme was then approved by the Scottish Information Commissioner.

The Board has now revised its Publication Scheme as a result of the publication of the Model Publication Scheme 2016

You can access the Model Publication Scheme on the Commissioner's website at www.itspublicknowledge.info/MPS.

The Board approved this Revised Scheme on 17th August 2016.

You can access our Publication Scheme, together with this Guide to Information on our website at: <http://www.aberdeenshire.gov.uk/licensing/policies/licensing-board-publication-schemes/>

Alternatively, you can contact us for a copy at the details listed on the front page of this document.

Responsibility for the Board's Publication Scheme

The person responsible for the overall operation of the Board's Publication Scheme is the Depute Clerk to the Board.

The Depute Clerk has day-to-day responsibility for the administration of the Board. Contact details are listed on the front page of this document. All contact should be with the Depute Clerk in the first instance.

Purpose

The purpose of this Guide to Information is to:

- allow the public to see what information is available and what is not available in relation to each class;
- state what charges may be applied;
- explain how to find the information easily;
- provide contact details for enquiries and to get help with access to the information; and
- explain how to request information that has not been published.

The Guide to Information is split into sections covering the six Model Publication Scheme Principles:

1. availability and formats;
2. exempt information;
3. copyright and re-use;
4. charges;
5. contact details; and
6. the classes of information that we publish.

These Principles are set out in more detail below.

1. Availability and formats

The information we publish through the model scheme is, wherever possible, available on our website at www.aberdeenshire.gov.uk/licensing

We offer alternative arrangements for people who do not wish to, or who cannot, access the information either online or by inspection at our premises. For example, we can usually arrange to send out information in paper copy (although there may be a charge for this).

Please make contact with us in advance, prior to any visit to our premises. An appointment may be necessary depending on the information requested. Contact details are as shown on the front page of this document

All of our written information can also be made available, on request, in a range of different formats should you require this.

Please note that the Depute Clerk is unable to provide you with legal advice.

2. Exempt information

The public's right to information is twofold:

- (a) Access to Information under this Guide is automatic (subject to the exemptions discussed in this section).
- (b) The general entitlement to information under Section 1 of the Freedom of Information (Scotland) Act 2002 enables any member of the public to make a request for information that is not in this Guide.

The Board aims to be as open as possible. However, it may withhold information from any of the classes of information listed below where it considers that disclosure is exempt under FOISA, for example, if it may seriously prejudice law enforcement, legal proceedings or where disclosure is otherwise prohibited by law. Where possible, specific instances of how this is to operate in practice are included in the Classes of Information below, but in general it should be noted that even if a document is in a Class of Information, it, or parts of it, may be held back because exemptions apply, but only in so far as it is permitted under FOISA. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out.

The Board may also withhold information:

- Which is subject to any of the exemptions under FOISA (See Sections 25-41 of FOISA)
- Which is personal information under the Data Protection Act 1998.

If you wish to complain about information which is being withheld from you, please see the “complaints” section below.

3. Copyright

Unless otherwise stated, the Board reserves copyright in all information available under its Publication Scheme, whether that information is in electronic or hard-copy format, text or graphics, and regardless of whether the copyright (©) symbol appears. The right to information under this Guide does not include permission to reproduce that information. Most information can be copied or reproduced without our formal permission, provided:

- It is copied or reproduced accurately
- Is not used in a misleading context; and
- The source of the material is identified.
- Subject to your acceptance of the [Open Government Licence \(version 1\)](#) for public sector information.

If in doubt, please contact us to obtain permission for re-use.

By using and/or re-using information in which the Board holds the copyright, you accept the terms and conditions of the Open Government Licence. Where the Board does not hold the copyright in information we publish, we will make this clear. Where there is any third-party copyright information, you will need to obtain permission from the copyright holders to use and/or re-use the information.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk . We can provide you with a copy of this information if you do not have internet access.

4. Charges

Unless a charge is otherwise indicated, all information contained in the Scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by e-mail.

If payment is required for the information you want, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

We do not charge for the inspection of any of the information which is made available via the classes in this Scheme.

We may charge for providing information in paper copy or computer disc/alternative formats. The Board is mindful of its obligations under equalities legislation when setting charges for alternative formats. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

Reproduction Costs	
Black and White Copy	10p per A4 sheet
Colour Copy	30p per A4 sheet
Alternative Formats	
Computer Discs/other formats	£1 per disc
Postage	
Charged at the cost to the Board of sending the information by First Class Post.	

Please note that, if you are interested in a large printed document, we can provide you with photocopies of selected relevant pages rather than charge you for a full printed copy of the document required. The photocopying charges that would apply are as set out in the table above. Our staff can advise you.

5. Contact details

You can contact the Depute Clerk for assistance with any aspect of this information guide at the contact details shown on the front page of this document.

How to Access Information Not Available Under This Scheme

If the information you are seeking is not available under this Publication Scheme, then you may wish to request that information from us. Please note that FOISA provides you with a right of access to the information the Board holds, subject to certain exemptions.

Should you wish to request a copy of any information held by the Board that is not available under this Scheme, please contact:

Freedom of Information
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

E-mail: foi@aberdeenshire.gov.uk

FOISA does not give a person the right to obtain copies of information which the Board may hold about them personally. You are, however, entitled to request your personal data from the Board under the Subject Access provisions contained in Section 7 of the Data Protection Act 1998.

The Board may charge a maximum fee of £10 for providing you your own personal data.

Requests for information in terms of Section 7 of the Data Protection Act must:

- Be made in writing
- Give your name and address
- Include proof of your identity
- Specify the information or documents sought; and
- Include any fee applicable.

Such requests should be addressed to the Address or E-mail shown above for Freedom of Information Requests.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (EIRS) provide a separate right of access to any environmental information that we hold. The Board currently does not hold any environmental information – but in the event that it did, this could be requested under the EIRS.

Records Management

The Legal and Governance Service, Licensing Document Retention Policy is as follows:

<u>Licensing Register (Scotland) Regulations 2007</u>	
Applications for the grant of a premises licence, personal licence, variation of premises licence, transfer of premises licence or an occasional licence that is refused by the Licensing Board	Information will be retained for a period of 5 years from the date of refusal and will thereafter be destroyed
In any other case, where information relates to a premises licence	Information will be retained for a period of 5 years from the date the premises licence ceases to have effect and will thereafter be destroyed
Information relating to occasional licences/extensions	Information will be retained for a period of 5 years from the date the occasional ceases to have effect and will thereafter be destroyed
Information relating to personal Licences	Information will be retained for a period of 5 years from the date the personal licence ceases to have effect and will thereafter be destroyed
<u>Gambling Act 2005</u>	
Applications for the grant of a licence, permit or registration which is refused by the Board	Information relating to the application will be retained for a period of 5 years and will thereafter be destroyed
In any other case, information relating to a licence, permit or registration	Information will be retained for a period of 5 years from the date the licence, permit or registration ceases to have effect and will thereafter be destroyed
<u>Civic Government (Scotland) Act 1982 (& HMO Licences)**</u>	
Where an application for the grant of a licence, permit or permission is refused by the Licensing Sub-Committee (or relevant Area Committee)	Information will be retained for a period of 5 years from the date of refusal and will thereafter be destroyed
In any other case, information relating to a licence, permit or permission	Information will be retained for a period of 5 years from the date the licence, permit or permission ceases to have effect and will thereafter be destroyed

<u>Miscellaneous licences**</u>	
Information relating to an application for the grant of a licence, permit or permission which is refused by the Licensing Sub-Committee (or relevant Area Committee)	Information will be held for a period of 5 years from the date of refusal of the licence, permit or permission and will thereafter be destroyed
In any other case information relating to a licence, permit or permission	Information will be held for a period of 5 years from the date the licence, permit or permission ceases to have effect and will thereafter be destroyed

**This function is carried out by Aberdeenshire Council, as Licensing Authority and therefore does not relate to the Board.

Complaints and Feedback

FOISA requires that we review our publication scheme from time to time. However, feedback, including complaints about this Publication Scheme should be directed to the Depute Clerk. Contact details are listed on the front page of this document.

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under this Scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing¹ or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process and operates an enquiry Service Monday to Friday from 9.00a.m. – 5.00p.m. The office can be contacted as follows:

Scottish Information Commissioner
 Kinburn Castle
 Doubledykes Road
 St. Andrews
 Fife KY16 9 DS

Telephone: 01334 464610

E-Mail: enquiries@itspublicknowledge.info

Website: <http://www.itspublicknowledge.info/ContactSIC/Contact.aspx>

¹ Verbal requests for environmental information carry similar rights. Currently the Board does not hold environmental information

The Classes of Information

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

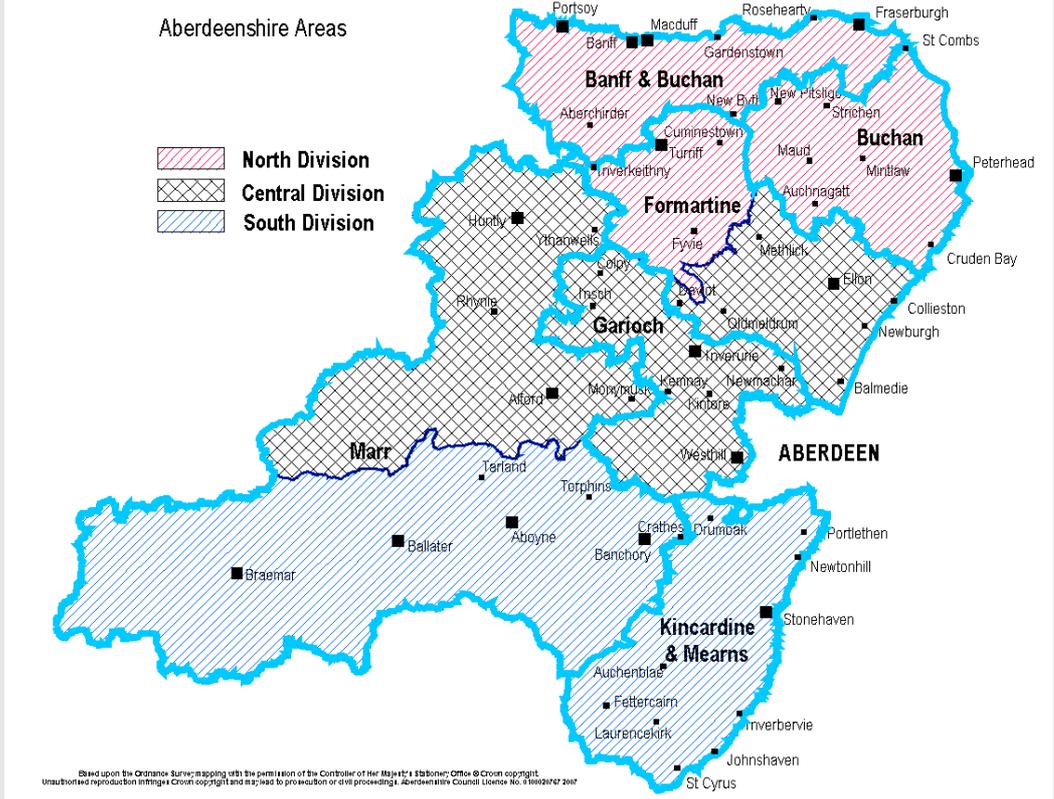
Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

The classes are:

- Class 1: About the Board
- Class 2: How we deliver our functions and services
- Class 3: How the Board takes decisions and what it has decided
- Class 4: What the Board spends and how it spends it
- Class 5: How the Board manages its human, physical and information services
- Class 6: How the board procures goods and services from external providers
- Class 7: How the board is performing
- Class 8: Our commercial publications - we do not hold or publish any information under this class
- Class 9: Open Data

The Classes of Information

	Class	Description
1.	About the Board	<p>The Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 to the Freedom of Information (Scotland) Act 2002.</p> <p>The Board is constituted under the Licensing (Scotland) Act 2005. The Board also has responsibility for licences and permits issued under the Gambling Act 2005.</p> <p>The Board is elected by Aberdeenshire Council from its Elected Members. The Board is made up of eight Councillors of Aberdeenshire Council.</p> <p>The Board makes decisions on policies and applications in relation to liquor and gambling licences.</p> <p>Details of our current Board Members are available at:-</p> <p>http://www.aberdeenshire.gov.uk/media/7436/supplementarypolicy1-contextandprofile.pdf</p> <p>Councillor profiles can be found at:-</p> <p>http://www.aberdeenshire.gov.uk/councillors/index.asp</p> <p>Councillors require to adhere to the Councillors' Code of Conduct set out by the Standards Commission for Scotland. The Code is public and can be found at:-</p> <p>http://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct</p> <p>The Code applies to Councillors when they sit as Licensing Board Members in the same way it does when they sit as Aberdeenshire Councillors.</p> <p>The Board is a separate legal entity to Aberdeenshire Council.</p> <p>The Board administers licences for premises and persons within the geographic division of Aberdeenshire comprising the following areas/electoral wards of Aberdeenshire:</p> <ul style="list-style-type: none">• The Formartine Area (except the Turriff & District Ward which falls within the North Divisional Board Area)• The Garioch Area, and• In the Marr Area – the Huntly East and West Wards only. <p>The Board area is reflected in the map shown below.</p>

	Class	Description
		 <p>The map displays the geographical divisions of Aberdeenshire. The North Division is shaded with red diagonal lines, the Central Division with a cross-hatch pattern, and the South Division with blue diagonal lines. Major towns and areas labeled include Banff & Buchan, Formartine, Garioch, Marr, Kincardine & Mearns, and ABERDEEN. A legend in the top left corner identifies the three divisions. A small copyright notice is visible at the bottom of the map area.</p> <p>The Board decides licensing applications at its hearings. Hearings take place bi-monthly in Inverurie.</p> <p>It should be noted that it is a criminal offence under section 8 of the Licensing (Scotland) Act 2005 to canvass Board members in relation to applications that are being considered by the Board. Additionally, such an approach would put a Member at risk of contravening the Councillors' Code of Conduct.</p> <p>The Board works to deadlines set out under the Licensing (Scotland) Act 2005 and the Gambling Act 2005. Performance indicators are produced by Aberdeenshire Council, inclusive of the Board's performance indicators. These performance indicators are not included in this Scheme but are available on request.</p> <p>Certain non-contentious decisions are delegated to the Clerk and the Deputy Clerk under the Board's Scheme of Delegation.</p>
2.	How we deliver our functions and services	<p>The Board is advised and assisted by its Clerk who is the Council's Head of Legal and Governance, Business Services, Aberdeenshire Council. The Clerk is assisted by several Depute Clerks who sit within the Governance Team of Legal and Governance.</p> <p>The Depute Clerk can be contacted at the location shown on the front page of this Scheme.</p> <p>Members of the Public can access the Licensing Office between 10.00a.m. and 4.00p.m. Mondays to Fridays.</p>

Class	Description				
	<p>The following documents can be found on our website:</p> <p>The Board's Statement of Licensing Policy in terms of the Licensing (Scotland) Act 2005: http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016</p> <p>The Board's Scheme of Delegation in terms of the Licensing (Scotland) Act 2005: http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016</p> <p>The Board's Statement of Licensing Principles in terms of the Gambling Act 2005: http://www.aberdeenshire.gov.uk/licensing/gambling/gambling-gaming-and-lotteries/</p> <p>The Board's Scheme of Delegation in terms of the Gambling Act 2005: http://www.aberdeenshire.gov.uk/licensing/gambling/gambling-gaming-and-lotteries/</p> <p>The Board's policy in terms of the Equality Act 2010: http://www.aberdeenshire.gov.uk/licensing/policies/licensing-equalities/</p> <p>Other information is available as follows:</p> <table border="1" data-bbox="395 1066 1465 1816"> <thead> <tr> <th data-bbox="395 1066 928 1167">Information</th> <th data-bbox="928 1066 1465 1167">Manner in which the information is published</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 1167 928 1816"> Application forms Application fees Application Criteria and Guidelines </td> <td data-bbox="928 1167 1465 1816"> <ul style="list-style-type: none"> • online at: http://www.aberdeenshire.gov.uk/licensing/ • Downloadable from: http://www.aberdeenshire.gov.uk/licensing/ Available at: <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • e-mail request: licapps@aberdeenshire.gov.uk • by personal visit </td> </tr> </tbody> </table>	Information	Manner in which the information is published	Application forms Application fees Application Criteria and Guidelines	<ul style="list-style-type: none"> • online at: http://www.aberdeenshire.gov.uk/licensing/ • Downloadable from: http://www.aberdeenshire.gov.uk/licensing/ Available at: <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • e-mail request: licapps@aberdeenshire.gov.uk • by personal visit
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3. How we take decisions and what we have decided

The Board takes decisions in accordance with the requirements of the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

Information is available as follows:

Information	Manner in which the Information is published
Board Dates	<p>These are published at: http://www.aberdeenshire.gov.uk/licensing/licensing-board-dates-agendas-and-minutes</p> <p>They are also available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit
Board Agendas	<p>These are published at: http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489</p> <p>They are also available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit
<p>Board Minutes</p> <p><i>Minutes are only available after they have been approved by the Board</i></p>	<p>These are published at: http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489</p> <p>They are also available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit
<p>Appeal decisions</p> <p><i>These are available within the past 2 years</i></p>	<p>These are available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit

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		<table border="1"> <tr> <td data-bbox="416 147 611 719"> <p>Statements of Reasons/Stated Cases</p> <p><i>EXCEPT: any statements issued during the current quarter or which are the subject of a current appeal</i></p> </td> <td data-bbox="611 147 1466 719"> <p>These are available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p><i>Excepted items are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in Court</i></p> </td> </tr> <tr> <td data-bbox="416 719 611 1261"> <p>Board Reports</p> <p><i>Except Reports that are for Members only</i></p> </td> <td data-bbox="611 719 1466 1261"> <p>These are available online as part of the Board agenda (see above).</p> <p>They are also available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p><i>Excepted reports are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in any subsequent court appeal. However, any decision to except a report from this category will be made on a case-by-case basis.</i></p> </td> </tr> <tr> <td data-bbox="416 1261 611 1603"> <p>Statutory Registers</p> </td> <td data-bbox="611 1261 1466 1603"> <p>These are available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p>The Board hopes to have these published on their website shortly</p> </td> </tr> </table>	<p>Statements of Reasons/Stated Cases</p> <p><i>EXCEPT: any statements issued during the current quarter or which are the subject of a current appeal</i></p>	<p>These are available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p><i>Excepted items are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in Court</i></p>	<p>Board Reports</p> <p><i>Except Reports that are for Members only</i></p>	<p>These are available online as part of the Board agenda (see above).</p> <p>They are also available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p><i>Excepted reports are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in any subsequent court appeal. However, any decision to except a report from this category will be made on a case-by-case basis.</i></p>	<p>Statutory Registers</p>	<p>These are available at</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit <p>The Board hopes to have these published on their website shortly</p>
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<p>4.</p>	<p>What we spend and how we spend it</p>	<p>The Board is a separate legal entity to Aberdeenshire Council. It does not employ any staff or own any assets.</p> <p>All staff carrying out the Board's responsibilities are recruited and employed by Aberdeenshire Council.</p> <p>The Council provides accommodation for the meetings of the Board and necessary expenses for the work of the Board.</p>						

	Class	Description
		<p>All revenue received by the Board by way of licence application fees must be transferred to the Council and the Board's budget is held by the Council. The Council has a separate Publication Scheme. This can be found at: http://www.aberdeenshire.gov.uk/council-and-democracy/foi/ .</p> <p>Alternatively, you can get further information from the following source:</p> <p>Freedom of Information Aberdeenshire Council Woodhill House Westburn Road Aberdeen AB16 5GB</p> <p>E-mail: foi@aberdeenshire.gov.uk</p>
5.	How we manage our human, physical and information resources	<p>All human, physical and information resources for the Board are carried out and managed by Aberdeenshire Council.</p> <p>The Council's Publication Scheme can be accessed at: http://www.aberdeenshire.gov.uk/council-and-democracy/foi/ .</p>
6.	How we procure goods and services from external providers	<p>The Board does not hold information within this class. Goods and services are procured by Aberdeenshire Council.</p> <p>The Council's Publication Scheme can be accessed at: http://www.aberdeenshire.gov.uk/council-and-democracy/foi/ .</p>
7.	How we are performing	<p>The Board processes applications in accordance with statutory timescales set out in the Licensing (Scotland) Act 2005, Gambling Act 2005 and related Acts and Statutory Instruments.</p> <p>Policies and procedures are also produced in accordance with the relevant statutory timescales.</p> <p>Primary and secondary legislation relating to the Board's function are published at: http://www.legislation.gov.uk</p> <p>The Board produces an annual report in relation to compliance with policy.</p> <p>This can be found at: http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016</p>

	Class	Description
		<p>It is also available at:</p> <ul style="list-style-type: none"> • Gordon House, Inverurie • By telephone request • By e-mail request • By personal visit
8.	Our commercial publications	The Board does not hold any information falling within this class
9.	Open Data	<p>The Board will be subject to Aberdeenshire Council's Open Data Policy.</p> <p>The Council is currently drafting its policy. Once it is approved, a link to the policy will be included here.</p>